REMARKS

Claims 1 and 6-7, are amended, and claims 3-5 are canceled, without prejudice or disclaimer. Claims 1-2 and 6-11 are pending.

The amendments to the claims are based on the application as originally filed, so it is respectfully submitted that no new matter has been added.

In the office action, claims 7-8 were objected to, but it is stated that claims 7-8 would be allowable if rewritten in independent form.

Claim 7 has been amended to be in independent form and to include the subject matter of the base claim and any intervening claims, and so claim 7 is allowable.

Claim 8 depends from claim 7, and so includes all of the recitation of amended claim 7. Since claim 7 is allowable, claim 8 is also allowable.

Therefore, claims 7-8 are in condition for allowance, so reconsideration and withdrawal of the objection to claims 7-8 and allowance of claims 7-8 are respectfully requested.

In the office action, claims 1-4, 6, and 9 were rejected under 35 U.S.C. § 102(b) in view of German Patent Document Number DE 1983 6812 of Leica; and claims 5 and 10-11 were rejected under 35 U.S.C. § 103(a) in view of Leica.

Independent claim 1 is amended to recite the subject matter of canceled claims 3-5.

Independent claim 1, as amended, is patentable over Leica, since Leica does not disclose or suggest the automatically performed calculation of the difference between two simultaneously measured extremum values. The calculation of the difference between two values may be considered obvious under ordinary circumstances. However, the present invention performs such a calculation automatically during a scanned measurement sequence described in claim 1, in

which in the second step two memories are allocated. A first memory is allocated for detection of the maximum value, and a second memory is allocated for the detection of the minimum value during the same measurement sequence. The performance of this calculation is only done automatically to solve a measurement problem, as shown in FIGS. 2-3 of the present invention; that is, the calculation is performed and the measurement problem is automatically solved without any input from the user.

Leica does not disclose or suggest all of the elements, steps, and features of the present invention.

On the contrary, Leica discloses separate determinations of a minimum value, as shown in FIG. 4 of Leica; separate determinations of a maximum value during a measurement sequence, as shown in FIG. 5 of Leica; and also separate determinations of other mathematical calculations between at least two values, as shown in FIGS. 1-3 of Leica, whereby one value is an extremum value, which is necessary for automatically detecting the perpendicular distances needed for the calculation.

In addition, Leica does not disclose or suggest, in a second step, individual measurements of distances to a plurality of different measurement points along a measurement path which are made triggered by the handheld laser distance measuring device, such that in the second step, the measurement path covers at least in part a surface and an object arranged in front of the surface, and in a further step, the computed extreme value difference is displayed directly on a display means, as in the present invention.

One skilled in the art would not look to Leica or any of the other cited art for the present invention since Leica only discloses, in FIG. 2, a different measuring problem from the problem of the present invention, with the measuring problem in Leica being based on a lateral scan of the surface, but not being a measuring problem as in the present invention which involves crossing an object arranged in front of the surface.

One having ordinary skill in the art would recognize that the different measuring problems of Leica and of the present invention require different solutions, and so Leica cannot be properly modified to solve the measuring problem which the present invention addresses.

Therefore, Leica does not disclose or suggest the above-described simultaneous determination of the two extremum values using the same measurement sequence with the calculation of the difference between the two extremum values then being displayed, as in the present invention.

Accordingly, claim 1 is patentable over Leica.

Claims 2, 6, and 9-11 depend from independent claim 1, and so includes the recitation of amended claim 1. Therefore, for the reasons set forth above, claims 2, 6, and 9-11 are also patentable over Leica.

Therefore, claims 1-2, 6, and 9-11 are patentable over Leica, so reconsideration and withdrawal of the rejection of claims 1-2, 6, and 9-11 are respectfully requested.

Accordingly, entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,

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